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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-0246 MHP
Plaintiff,	)	
v.	)	STIPULATION AND [PROPOSED]
ZENAIDA SMITH,	)	ORDER SETTING NEW STATUS
Defendant.	)	HEARING DATE AND DOCUMENTING
	)	EXCLUSION OF TIME

With the agreement of the parties, and with the consent of the defendant Zenaida Smith (“defendant”), the Court enters this order (1) vacating the status hearing currently set for June 18, 2007 at 10:00 a.m.; (2) setting a new status hearing for July 2, 2007 at 10:00 a.m.; and (3) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from June 11, 2007 to July 2, 2007. The parties agree, and the Court finds and holds, as follows:

1. The defendant made her initial appearance before the Court on May 7, 2007. Counsel advised the Court on that date that the government had just produced several hundred pages of discovery to the defense and that the government would soon be providing a digital image of computer media to the defense. The Court continued the

1 matter to June 11, 2007 and excluded time under the Speedy Trial Clock in a separate  
2 order.

3 2. On or about June 5, 2007, the Court re-set the June 11, 2007 status hearing  
4 date to June 18, 2007.

5 3. Since the parties' last appearance, the government has provided digital  
6 discovery to the defense, including an image of the defendant's work computer, as well as  
7 several CDs containing copies of the defendant's work e-mails. Since the last  
8 appearance, the United States has also produced additional paper discovery to the  
9 defense. Given the volume of discovery that has been produced in this case, the defense  
10 needs additional time beyond June 18, 2007 to review that evidence and to effectively  
11 prepare the defense of this matter.

12 4. Further, counsel for the defendant is unavailable on June 18, 2007 due to  
13 the trial of another matter in Merced County. In addition, counsel for the government is  
14 unavailable on June 25, 2007 because he will be traveling to Florida on that date to give a  
15 presentation to a professional conference on June 26, 2007.

16 5. For all of these reasons, the parties jointly request that the Court vacate the  
17 June 18, 2007 status hearing date, place this matter on the Court's July 2, 2007 calendar,  
18 and make a finding of excludable time under the Speedy Trial Act.

19 6. The Court finds that, taking into the account the public interest in the  
20 prompt disposition of criminal cases, granting the continuance until July 2, 2007 is  
21 necessary for effective preparation of defense counsel and for continuity of government  
22 counsel and defense counsel. See 18 U.S.C. § 3161(h)(8)(B)(iv). Given these  
23 circumstances, the Court finds that the ends of justice served by excluding the period  
24 from June 11, 2007 to July 2, 2007 outweigh the best interest of the public and the  
25 defendant in a speedy trial. Id. § 3161(h)(8)(A).

26 7. Accordingly, and with the consent of the defendant, the Court (1) vacates  
27 the hearing currently set for June 18, 2007 at 10:00 a.m.; (2) sets a new hearing for July 2,  
28 2007 at 10:00 a.m.; and (3) orders that the period from June 11, 2007 to July 2, 2007 be

1 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).  
2 SO STIPULATED.

3  
4 DATED: June 5, 2007

SCOTT N. SCHOOLS  
United States Attorney

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6  
7 /S/  
KYLE F. WALDINGER  
Assistant United States Attorney

8  
9 SO STIPULATED.

10 DATED: June 6, 2007

/S/  
CARL A. LINDSTROM  
Attorney for defendant Zenaida Smith

11  
12  
13 IT IS SO ORDERED.

14 DATED: June 7, 2007

